IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 354 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAYANTILAL KISHANLAL JAIWWALA & 1 - Petitioner(s)

Versus

DISTRICT SUPERINTENDENT OF POLICE & 1 - Respondent(s)

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Appearance :
MR NM KAPADIA for Petitioner(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 27/02/2006

ORAL JUDGMENT

1.Though called out twice, none present for the petitioners. Even otherwise, the subject matter under challenge is the suspension order dated 12.4.89 passed against the petitioners. It is the case of the

petitioners that upon their acquittal by the Special Judge, Mehsana in ACB Case No.19/89 on 18.5.92, their suspension cannot be continued.

2. By an interim order dated 15.2.94 while admitting the petition, learned single Judge of this Court had provided that the respondents to complete the departmental inquiry within six months from the date of the order on the condition that the petitioner shall cooperate with the inquiry. It was further provided that despite cooperation by the petitioner if the Department does not complete the inquiry within six months, the order of suspension shall automatically stand revoked. The issues arising in the petition has therefore must have become infructuous by now. That is probably the reason why the learned advocate for the petitioners is not present. It is possible that the petitioners have lost interest in the litigation. The petition is therefore, disposed of as not prosecuted with liberty to apply in case of difficulty. Rule is discharged with no order as to cots.

(Akil Kureshi, J.)

(vjn)